

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

KEVIN FERNANDEZ,

Plaintiff,

v.

THE STATE OF NEVADA, et al.,

Defendants.

3:06-cv-00628-LRH-RAM

ORDER

Before this Court is Report and Recommendation of U.S. Magistrate Judge Robert A. McQuaid, Jr. (#506<sup>1</sup>) entered on October 28, 2010, recommending granting Plaintiff's Motion for Preliminary Injunction (#442) filed on April 26, 2010. Plaintiff filed his Objection to Report and Recommendation by U.S. Magistrate Judge McQuaid (#516) on November 22, 2010. Defendants have not filed a response. This action was referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice of the United States District Court for the District of Nevada.

The Court has conducted its *de novo* review in this case, has fully considered the objections of the Plaintiff, the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636 (b) (1) and Local Rule IB 3-2. The Court determines that the Magistrate

<sup>1</sup>Refers to court's docket number.

1 Judge's Report and Recommendation (#506) entered on October 28, 2010, should be adopted and  
2 accepted.

3 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and Recommendation  
4 (#506) entered on October 28, 2010, is adopted and accepted, and Plaintiff's Motion for Preliminary  
5 Injunction (#442) is GRANTED as follows: An injunction shall issue requiring that Plaintiff receive  
6 a hearing before the Psychological Review Panel within forty-five (45) days with all of the procedural  
7 protections outlined in the court's order (doc. # 416 and doc. # 454) under *Wolff v. McDonnell* to  
8 determine Plaintiff's risk to re-offend.

9 IT IS SO ORDERED.

10 DATED this 1st day of February, 2011.

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14 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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